

05T-95-950 - 10

BEFORE THE
UNITED STATES DEPARTMENT OF TRANSPORTATION
Washington, D.C.

DEPARTMENT OF TRANSPORTATION
1991 FEB 20 PM 1:40

AVIATION SECURITY: PASSENGER
MANIFEST INFORMATION
Notice 91-2

Docket No. ~~47383~~

47383

COMMENTS OF THE
AMERICAN SOCIETY OF TRAVEL AGENTS, INC.

The American Society of the Travel Agents, Inc. ("ASTA") submits these comments in response to Notice 91-2, 56 Fed. Reg. 3810 (January 31, 1991).

ASTA is the **world's** largest trade association of professional travel agents, representing approximately 15,000 domestic agency locations and members in approximately 129 foreign countries.

ASTA is submitting comments at this time because of its concern that the enabling rules for Public Law 101-604 be realistic in light of the way that passenger bookings are made, recorded and transmitted. Since travel agents account for 75 to 80 percent of all airline sales in the United States, it is especially important that the Department avoid a costly and cumbersome compliance regime.

ASTA believes that the best solution in a case like this is the simplest: the Department should not require travel agents to collect and report passport numbers and emergency contact information. That information should be collected directly by the airline at the time of flight departure, which is the only way to

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assure that the cards match the persons actually flying on the flight.

International passengers are already accustomed to completing a Customs Declaration card when they travel. The passenger manifest information requirement can be satisfied in a similar fashion at the time of departure. The cards themselves would constitute the **"manifest"** for a particular flight and thus would not require any data input by travel agents or airline personnel.

The advantage of this approach is that there will be one rule that the public can understand. Enforcement will be easier because it will be centralized and uniform, and the information will be collected just before flight time, assuring completeness and accuracy. **It** also avoids placing an unfair additional responsibility upon travel agents.

If the Department is nonetheless disposed to require that travel agents participate in this process, there are a number of issues of special relevance to the role of agents that the Department needs to consider. We will discuss them in the order they are raised in the Notice.

Protection of Privacy

As regards travel agents, this is really a non-issue. The statute requires that the manifest shows the full name of the passenger, the passenger's passport number (when a passport is required) and the name and telephone number of an emergency contact. Travel agents have, of course, always had access to their

client's names for the purpose of making reservations and issuing tickets. There has been no problem of inappropriate disclosure. It is difficult to imagine to what ulterior purposes a travel agent could put the additional information required by the statute.

The greater problem will arise from the case of the passenger who either refuses to name a contact person or says that he has no such person. There is also the issue of the passenger who, at the time of booking and ticketing, has no passport and, therefore, no passport number. In many cases the passport may not be received until very shortly before flight time, long after contact between the client and the travel agency has ceased. If DOT is going to impose an information collection burden directly upon travel agents, that obligation must contain exceptions for cases in which the client refuses, has no contact or has no passport when the travel agent has contact with him.

Uniformity of Rules

The Notice raises the question whether the regulation should be uniform for all types of carriers. As long as the regulation recognizes that travel agents are not enforcers of the information collection rules, but can only request that the information be provided, the rules should be uniform.

Were the rules to vary across carrier types or across markets, the cost of compliance would increase and the extent of compliance would decline. Non-compliance is going to create some thorny issues of what to do with a passenger who says he has no contact to

give. The problem of resolving that issue must be left to the airline. The travel agent cannot be placed in the position of having to refuse to ticket a passenger who declines to provide a passport number or emergency contact. If travel agents must become the enforcers of these rules, some passengers will simply concoct a false contact, or even make up a passport number, to satisfy the regulations. Does the government care about this conduct? We don't know, but certainly no travel agent can be penalized after having asked for the information and received a refusal or a false response.

Ensuring That Information is Passed On

In raising this question, the Notice seems to imply that there are multiple ways in which this information can be delivered to the airlines. In reality there is only one feasible method for most travel agents. Since almost all airline reservations are made on computerized reservation systems, the travel agent must be able to enter the data in the Passenger Name Record when the booking is made (assuming for present purposes that all of the information is available at that time). The entry of that information should fulfill the travel agent's obligations under the regulations. The compilation of an actual **"manifest"** for each flight must be accomplished by the airlines, presumably by reprogramming of their computers. The CRS vendors will presumably comment on the question whether they can accomplish this in the time available before the rules become effective.

The Department should also be aware that some travel agents still do not have CRS systems. While these agents are few in number, they do exist and thus face a separate problem. ASTA believes that such agents should be exempted from the regulations altogether. Failing that, those agents should be permitted to satisfy the statute by delivering whatever information is available to the airline by telephone when the booking is made. Thereafter, the processing of the information, including confirmation of accuracy and completeness, should be the responsibility of the airline.

Conclusion

The Department should not involve travel agents in the collection of the information to satisfy the passenger manifest rule. It should mandate that the airlines collect from each affected passenger a card similar to the Customs Declaration card now in use and provide that the cards shall constitute the "manifest".

Respectfully submitted,



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